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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,759	03/15/2001	Cary Lee Bates	ROC920000170US1	4988
7590	11/29/2005		EXAMINER BASHORE, WILLIAM L	
David W. Victor KONRAD RAYNES & VICTOR LLP Suite 210 315 S. Beverly Drive Beverly Hills, CA 90212			ART UNIT 2176	PAPER NUMBER
DATE MAILED: 11/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/809,759	<b>Applicant(s)</b> BATES ET AL.	
	<b>Examiner</b> William L. Bashore	<b>Art Unit</b> 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,7-9,11,13,19,20,25-29,31,37,43,44 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,19,20,25,26,28,37 and 43 is/are rejected.
- 7) ☒ Claim(s) 9,11,13,27,29,31,44 and 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed 9/19/2005, to the original application filed 3/15/2001.
2. Claims 1-2, 4, 7-9, 11, 13, 19-20, 25-29, 31, 37, 43-44, 47 pending. Claims 3, 5-6, 10, 12, 14-18, 21-24, 30, 32-36, 38-42, 45-46, 48-54 have been canceled by applicant. Claims 1, 19, 37 are independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/19/2005, has been entered.

#### ***Allowable Subject Matter***

4. Claims 9, 11, 13, 27, 29, 31, 44, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. **Claims 1-2, 4, 7-8, 19-20, 25-26, 28, 37, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montalbano, U.S. Patent No. 5,918,237 issued June 1999, in view of Anupam et al. (hereinafter Anupam), U.S. Patent No. 6,535,912 issued March 2003.**

**In regard to independent claim 1**, Montalbano teaches a computer scanning an HTML file for accessing keyword and/or title information within, and related to said file, as well as a URL, subsequent to a user saving said HTML file as a bookmark (Montalbano column 4 lines 44-51, 55-63, column 6 lines 7-14; compare with claim 1 *“A computer implemented method for verifying a network address, comprising: accessing a network address included within a file;”*).

Montalbano teaches scanning said file for a keyword, said keyword can be the location of its related multimedia bookmark description (MBD) information, and/or its title, both are contextually associated with said file (i.e. both shed light on the meaning of the HTML file content) (Montalbano column 4 lines 55-65; compare with claim 1 *“providing at least one context term;”*).

Montalbano teaches said keyword can be a URL location (of its associated MBD file). After finding said embedded URL, the computer downloads its MBD file from the Internet (Montalbano column 6 lines 7-15, 44-58; compare with claim 1 *“accessing content at the accessed network address;”*).

Montalbano does not specifically teach determining whether accessed content satisfies a qualifying threshold regarding the contextual term. However, Montalbano teaches when bookmarks are displayed (including the MBD information), animated graphics specific to each bookmark appear (Montalbano column 7 lines 1-24). One of the graphics is a FuelCorp video clip announcing: “Super 100 reduces engine wear reduction by 35%. Click here to find out more.”. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret this presentation as determining whether the content satisfies a threshold regarding the context of the file (or term), since the user can make a determination as to whether the downloaded video content (“Super 100”) is what the user really wants (i.e. does “Super 100” shed enough light on what FuelCorp, and its web page, is all about, etc. It also helps to shed light on its own embedded keyword URL and

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its relative place within said HTML file). Applying this teaching provides a user of Montalbano the benefit of aiding in the decision making process (compare with claim 1 “*determining whether the accessed content...one contextual term;*”).

Montalbano does not specifically teach providing a substitute address if a threshold is not satisfied, and substituting accordingly. However, Anupam teaches recording a “smart” bookmark, comprising a series of recorded steps and URLs for playback, saving the user from starting over when perusing a dynamic site (i.e. e-commerce, catalog order, etc.) (Anupam Abstract). If a recorded URL path has changed, Anupam teaches heuristics for finding the best alternate match of a URL to be substituted accordingly (Anupam column 9 lines 58-67, column 10 lines 1-55). Anupam also teaches user stepwise navigation of a smart bookmark (Anupam column 12 lines 5-16). It is noted that Anupam teaches a user can confirm each step of a bookmark sequence (Anupam Abstract – at bottom). If a user confirms a presented alternate URL, then it is at least obvious to the skilled artisan that said user has accepted the substitution of URLs within the bookmark file. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Anupam to Montalbano, providing Montalbano the benefit of updating URLs to account for changing Web sites (compare with claim 1 “*providing a substitute network address...the accessed network address.*”).

**In regard to dependent claims 2,** Montalbano teaches keyword terms (and URL) and its title in relative positions in said HTML (text related) file (Montalbano column 6 lines 6-15, 43-53).

**In regard to dependent claim 4,** Montalbano teaches initially selecting the option of saving a bookmark for the presently loaded HTML file (Montalbano column 6 lines 44-46). Since said HTML page is downloaded, initially saving said file implies that the user has selected (i.e. inputted) the entire file, including the contextual terms and titles for bookmarking.

**In regard to dependent claims 7, 8,** Montalbano teaches keyword terms (and URL) and its title in relative positions in said HTML (text related) file, said URL downloaded from the Internet (Montalbano column 6 lines 6-20, 43-53). Montalbano looks for one instance of said keyword and URL, and Montalbano teaches header data, as well as various tags (Montalbano column 6 lines 20-30).

**In regard to claims 19-20, 25-26, 28,** claims 19-20, 25-26, 28 reflect the system comprising computer executable instructions used for implementing the methods as claimed in claims 1-2, 4, 7-8, and are rejected along the same rationale.

**In regard to claims 37, 43,** claims 37, 43 reflect the computer program product comprising computer executable instructions used for implementing the methods as claimed in claims 1-2, 4, 7-8, and are rejected along the same rationale.

### ***Response to Arguments***

7. Applicant's arguments filed 9/19/2005 have been fully and carefully considered but they are not persuasive.

Applicant argues on pages 11-13 of the amendment that the cited references do not teach "user selection", etc. as currently claimed. It is noted that Anupam's invention allows for user stepwise confirmation of a bookmark sequence. If said sequence incorporates a substituted URL and said user accepts said URL, then it is at least obvious that the user has accepted the bookmark substitution of URLs.


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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

November 27, 2005